



California Regulatory Notice Register

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JULY 22, 2005

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Alta Irrigation District

A written comment period has been established commencing on **July 22, 2005** and closing on **September 5, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than **September 5, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Leah Yadon, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Leah Yadon, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Antelope Valley Community College

A written comment period has been established commencing on **July 22, 2005** and closing on **September 5, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

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There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were

mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

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Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

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Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

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CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Grassland Water District

A written comment period has been established commencing on **July 22, 2005** and closing on **September 5, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

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There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS
AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

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Any inquiries concerning the proposed conflict of interest code(s) should be made to Leah Yadon, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Napa County Resource Conservation District

A written comment period has been established commencing on **July 22, 2005** and closing on **September 5, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

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Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

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Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

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Any inquiries concerning the proposed conflict of interest code(s) should be made to Leah Yadon, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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CONFLICT ON INTEREST CODES

AMENDMENT

STATE AGENCY:

Business, Transportation and Housing Agency

A written comment period has been established commencing on **July 22, 2005** and closing on **September 5, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention **Trish Mayer**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **September 5, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

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Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

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Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

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AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Trish Mayer**,

Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Article 8, Section 3963, of the regulations in Title 3 of the California Code of Regulations pertaining to South American Spongeplant Eradication Area as an emergency action that was effective on June 3, 2005. The Department proposes to continue the regulation as adopted and to complete the amendment process by submission of a Certificate of Compliance no later than October 4, 2005.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 5, 2005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Additionally, whenever and wherever a new exotic pest is discovered, the Secretary shall immediately investigate the feasibility of eradication (Food and Agricultural Code Section 5321). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations, as he deems necessary, to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code Section 5322).

The adoption of Section 3963 established that Shasta County is an eradication area for *Limnobium laevigatum* (South American spongeplant). The effect of the adoption is to establish the authority for the State to perform eradication activities against South American spongeplant in Shasta County. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3963 does not impose a mandate on local agencies or school districts. The Department has also determined that the amended regulation will involve no additional costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department adopted Section 3963 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department adopted Section 3963 to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov.

In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of amendment by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

SULFURYL FLUORIDE DPR REGULATION NO. 05-005

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend section 6400 of Title 3, California Code of Regulations (3 CCR). The proposed regulatory action designates sulfuryl fluoride as a state restricted material. The proposed regulatory action would make permanent the emergency regulation that is now in effect.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on September 5, 2005. Comments regarding this proposed action may also be transmitted via e-mail to <dpr05005@cdpr.ca.gov>, or by facsimile at (916) 324-1452.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sulfuryl fluoride is a gaseous fumigant currently used for termite eradication in homes and other structures, and to control insects in construction materials, mills, ships, railroad cars, and other transportation vehicles. These sites are normally fumigated by tarping or sealing the entire structure and injecting sulfuryl fluoride into the enclosed air space. Fumigation takes approximately 24 hours to complete. After these structures are fumigated, they are aerated using natural ventilation or exhaust fans until the ambient air levels of sulfuryl fluoride reach five parts per million (ppm) or less.

Sulfuryl fluoride is a Category I pesticide due to its acute inhalation toxicity. DPR scientists have reviewed toxicity data and identified possible acute, subchronic, and chronic adverse effects. Due to its high vapor pressure, the expected primary route of

sulfuryl fluoride exposure is through inhalation. Exposure to high levels of sulfuryl fluoride may produce harmful effects on people, such as toxicity to the brain and respiratory system. Based on its acute inhalation toxicity, the U.S. Environmental Protection Agency (U.S. EPA) designated sulfuryl fluoride as a federally restricted-use pesticide pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Sales and use of this pesticide are limited to certified applicators and those under their direct supervision, thus controlling the number of persons with direct access to the fumigant.

3CCR section 6400(a) states that any pesticide labeled as a "restricted use pesticide" pursuant to section 3 of FIFRA is also designated as a restricted material in California. Generally, possession and use of a restricted pesticide are allowed only under a permit from the local county agricultural commissioner (CAC). However, 3CCR section 6414(b) exempts pesticides listed under section 6400(a) from a restricted-materials permit provided the pesticide is used by or under the supervision of a certified applicator, unless otherwise required by the commissioner. Additionally, pursuant to FAC 14006.6(d) permits are not required of persons performing structural pest control and operating pursuant to a license issued under Chapter 14 of Division 3 of the Business and Professions Code.

In January 2004, U.S. EPA registered sulfuryl fluoride for use on a wide range of food commodities, such as dried fruits; almonds, walnuts, and other tree nuts; cereals and small grains; and cereal and small grain processed products. Also, it was federally registered for commodity use in fumigation chambers, indoor or outdoor areas where commodities would be sealed with a tarpaulin, structures that would be sealed with a tarpaulin or tape, surface ships and barges, and stationary vehicles (trailers, trucks, and containers).

In February 2004, DPR received an application requesting registration of sulfuryl fluoride for similar uses in California. The Director found that the above uses of sulfuryl fluoride is not expected to cause any significant adverse effect on human health and the environment, provided additional mitigation measures are taken when fumigating large grain-processing and commodity-treatment facilities, and that there is a clear need for the product in California. Sulfuryl fluoride is proposed as a methyl bromide alternative for post-harvest fumigation of a variety of food commodities. Under the Federal Clean Air Act, 70 percent of methyl bromide production has been phased out. Therefore, DPR filed an emergency regulation (OAL File No. 05-0325-01E) with the Office of Administrative Law to designate sulfuryl fluoride as a California restricted pesticide in section 6400(e), in order to allow CACs to immediately

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

implement feasible mitigation measures through permit conditions, thus preventing the potential health risks associated with the off-site movement of sulfuryl fluoride to persons living near commodity-treated fumigation facilities. The emergency regulation became effective April 4, 2005. Subsequently, DPR registered sulfuryl fluoride on May 18, 2005.

DPR is proposing to amend section 6400(e), permanently designating sulfuryl fluoride as a state restricted material. Current California law and regulations provide for a list of pesticides for which special considerations are indicated. Food and Agricultural Code (FAC) section 14004.5 authorizes the Director, by regulation, to designate and establish a list of restricted materials based upon a criteria which includes danger of impairment of public health. Designating this chemical as a restricted material will continue to provide an effective mechanism that allows CACs to implement feasible mitigation measures through permit conditions, thus preventing the risk of acute and seasonal exposures from the off-site movement of sulfuryl fluoride to persons living near fumigation facilities. This process would allow the commissioner to place additional conditions on the permit, where necessary, that are precisely crafted on a site-specific basis to protect nearby residents. The permit process has the advantage of allowing flexibility in requirements. The problems unique to that use site can be specifically addressed without placing unnecessary burdens on other applications.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a new program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

The proposed action requires users of sulfuryl fluoride to obtain a permit before they use sulfuryl fluoride for commodity fumigation. CACs are currently required to issue permits for restricted materials and also issue applicator identification numbers to agricultural establishments for pesticide use reporting requirements. In most cases, permit applicants will simply be substituting sulfuryl fluoride for methyl bromide on their permit.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has determined that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action.

DPR has not identified any feasible alternatives to the proposed regulatory action that would lessen any adverse impacts, including any impacts on small businesses, and invites the submission of suggested alternatives.

AUTHORITY

This regulatory action is being taken pursuant to authority vested by FAC sections 14004.5 and 14005.

REFERENCE

This regulatory action implements, interprets, or makes specific FAC sections 14004.5 and 14005.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulation, and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
Office of Legislation and Regulations
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Note: In the event the contact person is unavailable or questions on the substance of the proposed regulatory action may be directed to the following person at the same address as noted above:

Randy Segawa, Supervising Environmental
Research Scientist
Environmental Monitoring Branch
(916) 324-4137

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the

regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED RULEMAKING

Chapter 1—General Provisions

The California Gambling Control Commission ("Commission") proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt sections 12002 and 12004 of Title 4 of the California Code of Regulations, concerning definitions and changes of address.

PUBLIC HEARING

At this time, the Commission has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, **all written comments must be received no later than 5:00 p.m., September 6, 2005.**

Requests for a public hearing or written comments for the Commission's consideration should be directed to:

Heather Hoganson, Counsel
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Fax: 916-263-0452
E-mail: hhoganson@cgcc.ca.gov

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800–19980. In particular, Business and Professions Code sections 19811, 19823, 19824, 19853(a)(3), 19840, 19841, 19854, 19864, and 19984.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific Business and Professions Code sections 19800, 19805, 19811, 19816, 19850, 19852, and 19951.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act (Business and Professions Code, section 19800 et seq.) provides the Commission jurisdiction over controlled gambling (California Cardrooms) and those that engaged in controlled gambling. The Commission's regulated community thus includes work permit holders, holders of findings of suitability or approvals, key employee licensees, registrants, licensees, and owner licensees of gambling establishments (cardrooms).

Currently, Commission regulations are divided by types of licenses, permits, or registrations, and include definition sections in each part that include the same or similar definitions as in other parts. A general section of definitions are being added to add clarity and reduce duplication in the Commission's regulations.

Currently, licensees and registrants (etc.) must be renewed periodically, but there is no provision for notifying the Commission regarding changes of address, phone, or e-mail between renewals. Commission staff members needing to contact a licensee or registrant are often delayed in making such contact because of changed contact information. A change of address form is being promulgated in order for the regulated community to notify the Commission of changes of contact information.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The Commission is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: The Commission has made an initial determination that there may be a minor effect on small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490, Fax: 916-263-0452
E-mail: hhoganson@cgcc.ca.gov

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsey
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490, Fax: 916-263-0452

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsey at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the comment period, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsey at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**TITLE 10. MANAGED RISK
MEDICAL INSURANCE BOARD**

NOTICE OF PROPOSED REGULATIONS

R-1-04

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) proposes to permanently adopt changes to Chapter 5.8 of Title 10 of the California Code of Regulations.

The changes are for the most part focused on implementing SB 1103 to conform changes to the current HFP regulations to reflect the increase in premium payments for subscribers with annual household incomes above 200 percent of the FPL.

MRMIB has scheduled a public hearing in Sacramento, California, for September 7, 2005, from 1:00 p.m. to 2:00 p.m. at the following address:

1000 G Street, Suite 450
Front Conference Room
Sacramento, CA 95814

It is requested, but not required, that any person wishing to present testimony should register at 1:00 p.m. on September 7, 2005. The hearing will be adjourned immediately following the completion of oral and written testimony presentations. This public hearing is for the purpose of considering regulations. The MRMIB upon its own motion, or at the instance of any interested persons, may adopt the proposals substantially as presented.

The MRMIB may modify the regulations after public hearing and adopt the modified regulations if the regulations as modified are sufficiently related to the text made available to the public, so that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action. The text of any regulation as modified will be mailed to all persons who testify or submit written comments at the public hearing, submit written comments during the public comment period, and all persons who request notification, at least 15 days prior to the date on which the MRMIB adopts the regulations. A request for a copy of any regulations as modified should be addressed to Dennis Gilliam at the address below.

Any person interested may submit written comments relating to the proposals in writing to:

Managed Risk Medical Insurance Board
Attn: Dennis Gilliam
1000 G Street, Suite 450
Sacramento, CA 95814

Comments relating to the proposals may also be faxed to Dennis Gilliam at (916) 327-6580 or e-mailed to dgilliam@mrrib.ca.gov.

Written comments must be received by 5:00 p.m. on September 7, 2005. Written comments received after September 7, 2005, may not be assured of consideration unless otherwise expressly stated by the hearing officer. It is requested, but not required, that persons making oral presentations at the hearing provide a written version of their comments at the conclusion of their remarks.

The public hearing facility is accessible to persons with mobility impairments. If you are in need of a language interpreter, including sign language, at the hearing, or have other special needs, please notify MRMIB at least two weeks prior to the hearing.

These regulations were approved as emergency regulations by the Office of Administrative Law and became effective on June 30, 2005. The MRMIB is required to complete the rulemaking process and submit a final rulemaking file for the part of these regulations implementing a discount for automatic credit card payments, with the Office of Administrative Law on or before 120 days from the effective date of these regulations. The MRMIB is required to complete the rulemaking process for the parts directly

implementing conforming language for the premium increase and submit a final rulemaking file to the Office of Administrative Law on or before 180 days from the effective date of these regulations, as authorized by SB 1103. However it is the MRMIB's intent to complete its rulemaking process for all the changes within the 120 day period. The Office of Administrative Law will have 30 calendar days to approve or disapprove the final regulations. The regulations will stay in effect until that decision is made.

An Informative Digest/Policy Statement Overview for the proposed regulation changes, including a Fiscal Impact Statement and other required determinations are included below. These regulations are written in plain English. An Initial Statement of Reasons for the proposed action has been prepared. These, and copies of the proposed regulations, may be requested by telephone, or by writing to the above address. In addition, the Board has available a rulemaking file which contains all the information upon which the proposed regulations are based. This file is available for public perusal at the MRMIB office (see address above), during normal office hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. The pertinent documents (proposed regulations and Initial Statement of Reasons) pertaining to this rulemaking can be obtained on MRMIB's website at www.mrmib.ca.gov. The final Statement of Reasons can be obtained when available, after the public hearing and final adoption, by contacting Dennis Gilliam at (916) 324-4695 or dgilliam@mrmib.ca.gov.

Please address questions and requests for available information concerning the proposed regulations to Dennis Gilliam at (916) 324-4695 or Donald Minnich at (916) 327-7978 at the address listed above. Either person can answer questions regarding the substance of the proposed regulations or can direct the question to the appropriate person within the Board. Dennis Gilliam is designated as the small business advocate contact person for the Board.

AUTHORITY AND REFERENCES

Authority: Sections 12693.21 and 12693.755, Insurance Code..

Reference: Sections 12693.02, 12693.21, 12693.43, 12693.46, 12693.53 and 12693.755, 12693.70, 12693.71, 12693.73, 12693.74, 12693.75 and 12693.755, Insurance Code.

INFORMATIVE DIGEST

Existing Laws and Regulations

Insurance Code Section 12693, et seq., established the Healthy Families Program (HFP) in 1997, under the direction of the Managed Risk Medical Insurance Board (MRMIB).

Title 10, California Code of Regulations, Chapter 5.8 implements the Healthy Families Program.

POLICY STATEMENT OVERVIEW

In August 1997, The Federal Government established a new program, the State Children's Health Insurance Program (SCHIP), by adding Title XXI to the Social Security Act. The purpose of the program is to provide health services to uninsured, low-income children. The program is targeted to serve children whose family's income, although low, is too high to qualify for the Title XIX Medicaid Program, called Medi-Cal in California. The Legislature passed, and the Governor signed AB 1126, resulting in Chapter 623, Statutes of 1997 (AB 1126). Under that law, California has taken the option of both expanding its Medi-Cal Program and establishing a new stand alone children's health insurance program, the Healthy Families Program (HFP). The Department of Health Services (DHS) administers the Medi-Cal expansion through its own regulations. The Managed Risk Medical Insurance Board (MRMIB) administers the HFP. The basic structure of the HFP is set out in regulations approved by the Office of Administrative Law, which established Chapter 5.8 of Title 10 of the California Code of Regulations.

The most recent health programs budget trailer bill, SB 1103 (Chapter 228, Statutes of 2004), directed the MRMIB to increase monthly premium payments for HFP subscribers who have annual household incomes above 200 percent of the Federal Poverty Level (FPL), but less than or equal to 250 percent of the FPL. These new rates also apply to subscribers who entered the HFP as Access for Infants and Mothers (AIM) infants for at least the initial year of eligibility, since all AIM born infants are in families whose income is greater than 200 percent of the FPL.

Currently, subscribers in non-community provider plans (non-CPPs) who have annual household incomes greater than 150 percent and up to and including 250 percent of the FPL pay a maximum of \$9 per child, with a monthly maximum contribution of \$27. Community provider plans (CPPs) are designated by the MRMIB as the participating health plan in each county that includes zip codes in which at least eighty-five (85) percent of the residents of the county reside and have the highest percentage of traditional and safety net providers. In order to encourage use of designated CPPs, subscribers receive a premium discount for selecting the CPP. Currently, under the CPPs, for subscribers with annual household incomes of greater than 150 percent and up to and including 250 percent of the FPL, there is a maximum of \$6 per child, with a monthly maximum of \$18.

SB 1103 included the following provisions:

- On and after July 1, 2005, the total family contributions for subscribers in non-CPPs will be \$15 per child, with a maximum required contribution of \$45 per month per family for applicants with annual household incomes above 200 percent of the FPL and for subscribers who entered the program as AIM infants.
- On and after July 1, 2005, for subscribers in CPPs, premiums will be increased to \$12 per child, with a maximum required contribution of \$36 per month per family for applicants with annual household incomes above 200 percent of the FPL and for subscribers who entered the program as AIM infants.

Implementing SB 1103 will require conforming changes to the current HFP regulations to reflect the increase in premium payments for subscribers with annual household incomes above 200 percent of the FPL.

In addition to the regulatory changes made in accordance with SB 1103, MRMIB is taking the opportunity to make other necessary changes to HFP premium payment policies so that all the changes can occur at the same time. SB 1103 also contains a clause that requires the MRMIB to allow families to submit new information with the intent of showing that the family is not subject to the premium increase. The new premium payment policies will facilitate implementation of the premium increases and lessen the negative impact to families affected by this premium change.

Pursuant to Insurance Code Section 12693.43(f), applicants who pay their monthly family contribution by electronic fund transfer (EFT) shall receive a twenty-five (25) percent discount from the required family contributions. MRMIB is adding scheduled credit card payments as another EFT option for applicants to receive the twenty-five (25) percent discount. This change must be made at the same time as the rate increase, because adopting payment features that facilitate staying in the program is part of the Board's plan for implementing premium increases that, by their nature, create a risk of some disenrollments. In a June 2004 evaluation of the proposed premium increase, the Center for Budget and Policy Priorities of Georgetown University modeled the premium increase using the experience of premium increases in other states and estimated a loss of enrollment in HFP at 10,152 children for State Fiscal Year 2005/06. The discount and customer service improvements will lessen the adverse impact of the premium increase on program enrollment. The additional discount for using credit cards gives families an incentive to use credit cards; this mechanism makes paying premiums automatic and therefore will reduce loss of enrollment.

These regulations were heard in public at the January 26 and March 2, 2005 meetings of the Managed Risk Medical Insurance Board and unanimously approved by the Board at the March 2, 2005 meeting.

DOCUMENTS INCORPORATED BY REFERENCE

No documents were incorporated by reference.

DETERMINATIONS

In accordance with Government Code Section 11346.5(A)(13), the Managed Risk Medical Insurance Board must determine that no reasonable alternative considered by the Board, or that has been otherwise identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

The Managed Risk Medical Insurance Board has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The proposed action will not have an adverse economic impact on California business including the ability of California business to compete in other states. The changes involve individual families currently participating in or applying for the HFP, some of whom will need to pay higher premiums to participate.

The Proposed Action Will Have An Effect on California housing costs: NO

The Proposed Action Differs Substantially From an Existing Comparable Federal Regulation or Statute: No

Mandates on Local Agencies or School Districts: None

Mandate Requires State Reimbursement Pursuant to Part 7 (commencing with section 17500) of Division 4: N/A

Cost to Any Local Agency or School District That Requires Reimbursement Pursuant to Part 7 (commencing with section 17500) of Division 4: None

Nondiscretionary Costs or Savings Imposed on Local Agencies: None

Cost or Savings To Any State Agency: The increase in premiums effective July 1, 2005 results in estimated savings in 2005–06 in the amount of \$14.3 million (\$5.0 million General Fund) and in 2006–07 \$14.9 million (\$5.2 million General Fund) due to the increase in program revenue.

Cost or Savings in Federal Funding to the State: The increase in premiums effective July 1, 2005 results in estimated savings in 2005–06 in the amount of

\$14.3 million (\$9.3 million Federal Funds) and in 2006–07 \$14.9 million (\$9.7 million Federal Funds) due to the increase in program revenue.

BUSINESS IMPACT STATEMENT

The Board has assessed the impact of these regulatory changes on California businesses, including small businesses. There is no known significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The changes mainly involve individual families participating in or applying for the HFP, whose premiums may increase. Additional revenue from the premium increase will further offset State and federal costs for the program, but will not be significant enough to either create new jobs or businesses or eliminate existing jobs or businesses or affect the expansion of businesses currently doing business within California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Board has considered the cost impact on representative private persons or businesses impacted by these regulations. The changes involve individual families with income in excess of 200% of the federal policy level who choose to participate in the HFP. Participation in the program remains voluntary. The maximum family increase will be \$18 per month, which can be partially offset by choosing the Community Provider Plan option and/or the new discount for using the automatic credit card payment method.

There is no known cost impact on businesses.

TITLE 10. OFFICE OF TOURISM

Business, Transportation and Housing Agency Chapter 7.67, Sections 5370–5377 California Welcome Centers

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the Office of Tourism proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Agency proposes to adopt sections 5370, 5371, 5372, 5373, 5374, 5375, 5376 and 5377 in Title 10 of the California Code of Regulations in order to implement, interpret and make specific Government Code section 13995.150, 13995.151, 13995.152, 13995.153, 13995.154 and 13995.155, relating to California Welcome Centers.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until **5:00 p.m. on September 5, 2005**. Submit comments to:

Terri Toohey
Office of Tourism
980 Ninth Street, Suite 480
Sacramento, CA 95814
Fax: 916-322-3402
E-Mail: ttoohey@tourism.ca.gov

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code section 13995.155 and in order to implement, interpret, and make specific Government Code sections 13995.150, 13995.151, 13995.152, 13995.153 and 13995.154.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Agency proposes to adopt new sections 5370, 5371, 5372, 5373, 5374, 5375, 5376 and 5377. The regulations concern the establishment and maintenance of California Welcome Centers throughout the State of California.

The purpose of the regulation is to provide the application and designation process of a California Welcome Center.

Government Code section 13995.150 provides for a statewide network of visitor information centers, to be known as California Welcome Centers (Centers). Government Code section 13995.151 provides that the Division of Tourism shall designate the Centers and establish requirements for the operation of a Center. This section allows the Division to limit the number of Centers within a geographic area to prevent an excessive density of centers. This section also provides that the Division shall collect fees from the Centers to cover the administrative cost of the program. Government Code Section 13995.155 provides that the California Tourism Commission shall review any proposed regulations before adoption.

Section 5370 will provide definitions of terms used in the California Welcome Center Program. Section 5371 will provide the criteria to be eligible for designation as a California Welcome Center. Section 5372 will specify the application process, including the solicitation notice, and the deadlines. Section 5373

will specify the information to be included as part of the general information in the application, including name, address, name of operating entity, and the application fee. Section 5374 will specify the proposal plans that shall be included with the application. This section requires five proposal plans to be included as part of the application: Site Plan, Marketing Plan, Financial Plan, Operational Plan and Local Community Support Report. Section 5375 will specify the continuing responsibilities of the California Welcome Center, including annual maintenance fees to be paid to the Division of Tourism, training, meeting attendance, signage requirements, sale of merchandise restrictions, promotion of the California Tourism and Welcome Centers and successful periodic site inspections. Section 5376 will specify the criteria and the process of revocation of a designation of a California Welcome Center. Section 5377 will specify the appeal process for a California Welcome Center that has been revoked.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Office of Tourism has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: No cost will be incurred by the California Department of Transportation for the installation of state-mandated signage on California Highways. The regulation requires the California Welcome Center to pay for all fees associated with the required signage.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on private persons or directly affected businesses: The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of these regulations will (1) facilitate the creation of jobs within California; (2) will facilitate the creation of businesses within California, (3) will facilitate the expansion of businesses currently doing business within California.
- Significant effect on housing: None.

SMALL BUSINESS DETERMINATION

The Office of Tourism has determined that the proposed regulations will not affect small business because these regulations only affect persons applying for or designated as a California Welcome Center. There are currently only ten California Welcome Centers in California.

ALTERNATIVES CONSIDERED

The Office of Tourism must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Agency would be more effective in carrying out the purpose of the proposed action, or be as effective and less burdensome to affected private person than the proposed regulations. The Agency invites interested persons to present statements or arguments concerning alternatives to the proposed regulation during the public comment period.

CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

Janice Simoni
California Welcome Centers
916-445-1094

The backup contact person for these inquiries is:

Terri Toohey
Office of Tourism
916-324-3787

Questions on the substance of the proposed regulations may be directed to Janice Simoni at the above phone number.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Office may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Office may determine that changes to the proposed regulation are appropriate. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. The Office will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Terri Toohey at the above address. The Office will

accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Office has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Office's office at 980 Ninth Street, Suite 480, Sacramento, California 95814, during normal business working hours. Please contact Terri Toohey at the above address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Office Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Office is required to prepare a Final Statement of Reasons. Once the Office has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Office Contact Person identified in this Notice.

OFFICE INTERNET WEBSITE

The Office maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at:

<http://www.visitcalifornia.com>.

TITLE 11. DEPARTMENT OF JUSTICE

BUREAU OF NARCOTIC ENFORCEMENT

NOTICE IS HEREBY GIVEN that the Department is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Sacramento, California, at 1102 Q Street, 6th Floor, Sacramento, CA, on September 7, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Department at its office not later than 5:00 p.m. on September 5, 2005 or must be received by the Department at the hearing. The Department upon its own motion or at the instance of any interested party, may thereafter adopt the

proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 11102 and 11106.7(a) of the California Health and Safety Code, and to implement, interpret or make specific Sections 11106.7 of said Code, the Department is considering changes to Division 8 of Title 11 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of the proposed regulations is to clarify existing regulations, to conform existing regulations to the statutory changes which have occurred over the past few years, and include changing the name from controlled precursor to controlled chemical substance, in order to more accurately reflect those substances presently used in the manufacture of illegal drugs. The proposed amendments also delete regulatory sections which are now duplicative of the statutes. Additionally, the Department is establishing a process for the issuance of administrative citations in accordance with recent legislation. The citations may contain an order of abatement and/or an order to pay an administrative fine assessed by the Department when the permittee is in violation of the law or Department regulations. The citation will also indicate the time to comply with orders of correction, if any, and further establishes the process of citation appeal.

800. Definitions

800(a), (g) These proposed regulations change the definition of controlled "precursor" and "precursor" substance to controlled chemical substance(s), as they are presently listed under Health & Safety Code section 11100(a).

800(b) This proposed regulation adds the definition of a "Controlled Chemical Substance Permit," which is defined as a permit issued by the Department authorizing the conduct of a business which uses a controlled chemical substance. The definitions are then re-lettered to reflect this additional definition.

800(c) This proposed regulation amends and clarifies the definition of "applicant" to include someone who also furnishes, or is an agent of someone who "furnishes", a listed controlled substance and who applies for a Controlled Chemical Substance Permit.

800(d) This proposed regulation also adds the term “otherwise furnish” to the definition of “manufacturer, wholesaler, or retailer.”

801. Controlled Chemical Substance Permit Issuance; Application; Fees.

801(a)(b) This proposed regulation requires an application form to be submitted by any manufacturer, wholesaler, retailer, or any other person or entity in this state that sells, transfers or otherwise furnishes any substance as listed in H&S Code section 11100(a) and deletes the existing references to individuals having a financial or management interest. Additionally, in 801(b) the term “or entity” is added after the word “person”.

801(b), (b)(7), (b)(8) These proposed regulations change the use of the term controlled “precursor” to controlled chemical substance. The word “business” is also stricken from the permit title.

801(b)(4) This proposed regulation adds Corporate officers, managers and on-site responsible agents to the individuals who must submit business and identifying information. Also deletes from this section the business investment requirement and deletes “California” as the identifier before “driver” thus allowing any state driver license to be used as part of the identifying information for an applicant. It further adds an exemption from the information requirement for members of boards of director of publicly held corporations with 50 or more shareholders.

801(b)(5) This proposed regulation requires personal history information of the applicant to include military service, past employment and criminal conviction information.

801(b)(6) Is deleted in its entirety and the existing section is renumbered accordingly.

801(b)(10) This proposed regulation adds a referral to amended Health and Safety Code Section 11106(d) in addition to the existing reference to California Code of Regulation 804 as reason for related information requests to an applicant. Additionally, the entire final sentence of this section relating to applicant signature and date on the application is deleted.

801(c) The proposed regulation changes the use of “precursor” to controlled chemical substances, as presently listed under Health & Safety Code section 11100(a).

801(e) The existing regulation is modified by the deletion of the reference for permittee notification of renewal application changes and this permittee requirement is subsequently established in the new proposed section 803, Permittee Information Changes. The last sentence referring to the changes in permittee ownership of the existing section is also deleted.

801(f) The last sentence of this section is deleted and subsequently becomes the new proposed section 801(g). The remaining existing section is modified by the addition of the requirement for a fingerprint card or live scan for each individual acting in the capacity of an owner, agent or representative for the applicant and for each of the applicants employees that have direct access, management, or control of any substance listed in Section 11100(a). The requirement for the fingerprint card to be notarized is also deleted. In addition, the initial application fee is raised from \$500 to \$1,000.

801(g) The last sentence of existing regulation 801(f) becomes new 801(g) which establishes the one year period of validity of the permit.

802. Annual Renewal; Permit Issuance

802(a) This regulation deletes the word “Precursor” and adds “Controlled Chemical Substance” in the reference to the permit. It also changes the requirement for two sets of ten print fingerprint cards to one set or live scan and struck the words “in the original application”. Proposed regulation also allows substitution of a copy of the previous application form if there are no changes from the previous application. In addition, the permit renewal fee is raised from \$300 to \$500.

802(b) This regulation deletes the reference to 804.

803. Permittee Information Changes

This regulation, originally part of existing 801(e), adds a new section which requires any information changes from the original or subsequent renewal application to be reported to the Department, in writing within 15 calendar days, with an application and fingerprint cards or live scan for those individual requiring fingerprints, including new employees with direct access, management, or control of any controlled chemical substance listed under Health and Safety Code section 11100(a).

804. Permit Denial, Suspension or Revocation

804(a) This regulation adds a reference to Health and Safety Code Section 11106(d) as grounds for the suspension or revocation of a permit. It also deletes existing sections 1,2,3 and 6 and renumbers the existing 4,5,7 and 8.

806. Permit Denial, Suspension or Revocation Hearings; 807(b). Processing Time.

806, 807(b) These regulations delete the use of the word “Precursor” and substitute “Controlled Chemical Substance” and also deletes “Business” from the permit title.

810. Citations

810(a) This proposed section authorizes the Program Manager of the Controlled Chemical Substance Program of the Bureau of Narcotic Enforcement to issue a citation to a Controlled Chemical Substance Permittee for minor violations of law or regulations enforced by the program.

810(b) This proposed section notes the fact that the issuance of a citation does not preclude the filing of a disciplinary action to revoke or suspend a permit.

810.1 Citation Format

810.1 This proposed section sets forth the four elements that each citation must have, which include the fact that the citation: 1) shall be in writing; 2) shall describe the nature of the violation; 3) may contain an administrative fine, order of abatement, or both; and, 4) requires notice to the cited person that they must request a hearing within 30 days of the issuance of the citation.

810.2 Order of Abatement

810.2 This proposed section sets forth the scope of an order of abatement which includes an order to correct a deficiency or to require the introduction of, or compliance with an approved procedure or action. This section also requires an abatement order to contain the establishment of a reasonable time to comply and also authorizes the Program Manager to accept alternative compliance methods if it appears to be a reasonable correction.

810.3 Administrative Fine

810.3 This proposed section establishes the amount of the administrative fine to be a maximum of \$1,000 per individual violation initially and a maximum of \$2,500 for a subsequent individual violation. This proposed section also notes a third violation may result in the filing of an administrative disciplinary action.

810.4 Administrative Fine Assessment

810.4 This proposed regulation sets forth the factors that the Program Manager must consider in assessing the amount of the administrative fine to include the nature and severity of the violation, the history of the violations, the good or bad faith exhibited by the cited person, the evidence the violation was willful, the degree of cooperation with the Department the cited person displays, and such other matters as justice may require.

810.5 Citation Service

810.5 This proposed regulation requires the citation to be served either by person or by certified mail to the permittees address and notes that the time to comply with the citation commences upon service.

810.6 Contest of Citation

810.6(a) This proposed section notes that the cited permittee may, after written request within 30 days, contest the issuance of a citation by requesting a hearing conducted in accordance with the provisions of the Administrative Procedure Act.

810.6(b) This proposed section authorizes a cited permittee to request an informal conference with the program manager regarding the citation within 10 days after service.

810.6(c) This proposed section requires the program manager to hold the conference within 30 days of the request and authorizes the program manager to affirm, modify, or dismiss the citation. This section further requires the program manager to state in writing the reasons for the decision after the informal conference and notes that this decision is deemed to be a final order regarding the citation.

810.6(d) This proposed section notes that the permittee may still have an administrative hearing despite having an informal conference with the program manager. This section further notes that the cited person has 30 days to request the administrative hearing on the subsequent decision after the informal conference.

810.7 Failure to Comply With Citation Order

810.7(a) This proposed section notes that the time allowed for abatement of a violation begins the first day after the order of abatement has been served. This section also authorizes the cited person to request an extension of time to comply from the Program Manager for reason beyond the cited permittees control. 810.7(b) This proposed section establishes the time allowed for the payment of the administrative fine to be 30 days from receipt of the citation unless authorized longer by the Program Manager. 810.7(c) This proposed section notes that after the finality of the citation, the failure to abate the violation within the allotted time or to pay the administrative fine shall constitute grounds for disciplinary action.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including

the ability of California businesses to compete with businesses in other states, in that neither the new regulations nor the amendments to the existing regulations impose any additional cost upon businesses other than the minimal increase in application and renewal fees. Additionally there will be no cost associated with the Citation Program except when the business violates the law.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact or Representative Private Person or Business: The Department is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions other than the costs of finger printing, the initial permit fees of \$1,000 and the renewal fees of \$500..

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed and modified regulations would affect small businesses in a extremely minor fashion due to the low cost of application and renewal fees. The citation program will not impose any cost to permittees who obey the law.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative to each regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Department of Justice, Controlled Chemical Substance Program, 1102 Q Street, 6th Floor, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below or on the Attorney Generals website at www.ag.ca.gov.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be address to:

Ronna Kephart, Manager
Department of Justice
Controlled Chemical Substance Program
1102 Q Street, 6th Floor
Sacramento, California 95814
Telephone (916) 319-8472
Facsimile (916) 319-9450
E-Mail Address ronna.kephart@doj.ca.gov

The backup contact person is:

John Massoni, CIS III
Department of Justice
Controlled Chemical Substance Program
1102 Q Street, 6th Floor
Sacramento, California 95814
Telephone (916) 319-9065
Facsimile (916) 319-9450
E-Mail Address john.massoni@doj.ca.gov

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 5510, 8389, 8552.1, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 7850, 7850.5, 8043, 8053, 8389 and 8550-8559, of said Code, proposes to amend Sections 163 and 164, and add Section 163.1, Title 14, California Code of Regulations, relating to the Commercial Herring Fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sections 163 and 164

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations spec-

ify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; quotas; and landing and monitoring requirements.

The proposed regulations would establish fishing quotas, specify net measurement methods, modify mesh size in San Francisco Bay, establish season dates and times that fishing operations are allowed, and require reimbursement of Department costs if fishing occurs on the weekend in Tomales Bay.

The following is a summary of the proposed changes in Sections 163 and 164, Title 14, CCR:

- The proposed regulations would establish fishing quotas by area for the 2005–06 herring fishing season, based on the most recent assessments of the spawning populations of herring in San Francisco and Tomales bays. Two options are provided for the San Francisco Bay quota. San Francisco Bay Quota Option 1 would set the quota at 5,890 tons which represents 10 percent of the 2004–05 spawning biomass estimate. If the Commission were to adopt this quota, this would result in a 10.4-ton individual quota for a “CH” gill net permittee and a 3.0-ton individual quota for a non-“CH” gill net permittee participating in the HEOK fishery. The Department recommends selecting Option 1 if the minimum mesh size remains at 2 ⅞ inches. San Francisco Bay Quota Option 2 would set the quota at 4,502 tons which represents 7.6 percent of the 2004–05 spawning biomass estimate. If the Commission were to adopt this quota, this would result in a 7.9-ton individual quota for a “CH” gill net permittee and a 2.3-ton individual quota for a non-“CH” gill net permittee participating in the HEOK fishery. The Department recommends selecting Option 2 if the minimum mesh size were changed to 2 inches. An initial 400-ton fishing quota (eleven percent of the 2004–05 estimated spawning biomass of 3,686 tons) is proposed for Tomales Bay with provisions to increase the quota in-season if escapement goals are achieved by February 15, 2005.
- The proposed regulations would change the minimum mesh size in the San Francisco Bay gill net fishery from 2 ⅞ to 2 inches.
- The proposed amendment specifies that the length of the meshes of any gill net used or possessed in the roe fishery in Tomales Bay, for the 2005–06 season only, shall be no less than 2 inches or greater than 2 ½ inches. This proposal is a continuation of regulations originally approved for the 2000–01 season to evaluate the effect of reduced mesh size on the length and age composition of herring caught in 2 inch mesh gill nets in Tomales Bay.

- The proposed regulations would allow weekend fishing in Tomales Bay. The Department proposes that should the Commission decide to allow weekend fishing in Tomales Bay, the Department shall be able to submit a detailed invoice to the appropriate party, or parties, for any increase in the cost of operations. The proposed amendment would allow weekend fishing in Tomales Bay.
- The proposed regulations would specify that the length of a gill net used in San Francisco and Tomales Bay shall be measured along the cork line.
- The proposed regulations would set the dates of the roe herring fisheries in San Francisco Bay from 5 p.m. on Sunday, December 11, 2005 until 6:00 a.m. on Friday, December 23, 2005 and re-open at 5 p.m. on Monday, December 26, 2005 until 6:00 a.m. on Friday, December 30, 2005 (“DH” gill net platoon only). Recommended dates for the odd and even platoons are from 5:00 p.m. on Monday January 2, 2006 until noon on Friday, March 17, 2006.
- The proposed regulations would set the dates of the roe herring fisheries in Tomales Bay from 5:00 p.m. on Sunday, December 25, 2005 until noon on Friday, December 30, 2005, and from 5:00 p.m. on Sunday, January 1, 2006 to noon on Friday, February 24, 2006.
- The proposed regulations would correct the Herring Eggs on Kelp Permit Application number in subsection 164(h)(1) to coincide with the 2005–06 season application.

Section 163.1

Under existing law (Fish and Game Code Sections 8550 and 8552), Pacific herring may be taken for commercial purposes only under the authority of a permit, and the permits are transferable under the provisions of Fish and Game Code Sections 8552.2, 8552.6, and 8552.7. Fish and Game Code Section 8552.7 currently sets the fee to transfer a herring permit at \$5,000. Under existing law (Fish and Game Code Section 8552.1), the Commission, may adjust the herring permit transfer fee to a level that will not discourage the transfer of permits or limit entry into the fishery, and that will ensure sufficient funds to cover reasonable Department costs associated with management of the fishery.

The proposed regulations would lower the herring permit transfer fee from \$5,000 to \$1,000. The current fee of \$5,000 is inhibiting transfer of permits, and is creating an economic hardship for permit holders who want to leave the fishery and for fishermen who want to enter the fishery. Many permit holders consider the \$5,000 fee excessive and inequitable during a period when the market value of the permits is relatively low. Lowering the permit fee to \$1,000 would lower the

economic barrier for permit transfers while still providing the Department with revenue for herring research and management.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Board of Supervisors Chambers, 1050 Monterey Street, 2nd floor, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall, 66 North Lassen Street, Susanville, California, on Friday, September 30, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before September 21, 2005 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than September 30, 2005, at the hearing in Susanville, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Fischer or Jon Snellstrom at the preceding address or phone number. **Becky Ota, Marine Region, Department of Fish and Game, phone (650) 631-6789, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

Sections 163 and 164

No adverse economic impacts. The proposed action for the 2005–06 season will have no adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed 2005–06 regulations would benefit California's commercial herring fishermen and herring processing plants, all of which are small businesses as defined under Government Code Section 11342.610. Depending on the option selected by the Fish and Game Commission (Commission), direct benefits would accrue to the San Francisco Bay herring fishery in the form of increased catches, revenues, and related economic activity. Harvest quotas for San Francisco Bay herring fishermen would be increased from 3,440 tons to 5,890 tons (Option 1), or from 3,440 to 4,502 tons (Option 2).

Option 1 includes a proposed quota of 5,890 tons for San Francisco Bay in 2005–06, and represents potential increases in ex-vessel revenues of as much as \$2,080,296 in the San Francisco Bay herring fishery, which consists of approximately 388 herring fishermen. This increased revenue projection is based on average price data from the 2004–05 season, assuming that the entire San Francisco quota is harvested in each year ($\$4,994,078_{2005-06} - \$2,913,782_{2004-05} = \$2,080,296$, or \$2,120,144 when adjusted for inflation and presented in year 2005 dollars). Additionally, an in-season increase in the Tomales Bay quota, from 400 to 500 tons, is proposed should spawning escapement reach or exceed 4,000 tons before February 15, 2006. The 2005–06 Humboldt Bay and Crescent City Harbor herring fishery quotas remain the same as for the 2004–05. Thus the total ex-vessel revenue potential from all herring quotas, for all 417 herring fishermen, could be as much as \$5,499,339 under the proposed 2005–06 regulation. Using a statewide output multiplier and projected ex-vessel revenues of \$5,499,339, the economic contribution of the 2005–06 herring fishery could be as much as \$11,060,821 in year 2005 dollars. (This is derived

by multiplying the projected ex-vessel revenues by a statewide demand output multiplier of 2.0113; e.g. $2.0113 \times \$5,499,339 = \$11,060,821$).

Option 2 has a proposed quota of 4,502 tons for San Francisco Bay in 2005–06, and represents potential increases in ex-vessel revenues of as much as \$901,678 in the herring fishery of 388 fishermen. This increased revenue projection is based on average price data from the 2004–05 season, assuming that the entire San Francisco quota is harvested in each year ($\$3,815,460_{2005-06} - \$2,913,782_{2004-05} = \$901,678$, or \$918,950 when adjusted for inflation and presented in year 2005 dollars). As in the above option, an in-season increase in the Tomales Bay quota, from 400 to 500 tons, is proposed should spawning escapement reach or exceed 4,000 tons before February 15, 2006. The 2005–06 Humboldt Bay and Crescent City Harbor herring fishery quotas remain the same as for the 2004–05. Thus the total ex-vessel revenue potential from all herring quotas, for all 417 herring fishermen, could be as much as \$4,298,145 (in year 2005 dollars) under the proposed Option 2. Using a statewide output multiplier and projected ex-vessel revenues of \$4,298,145 the economic contribution of the 2005–06 herring fishery could be as much as \$8,644,858 in year 2005 dollars. (This is calculated by taking the projected ex-vessel revenues and multiplying by a statewide demand output multiplier of 2.0113; e.g. $2.0113 \times \$4,298,145 = \$8,644,858$).

Changes in the minimum mesh size for herring gill nets would increase fishermen's harvest of the relatively abundant younger (year 2 and year 3) fish. Since the proposed regulations offer a range of 2" to 2 1/4" mesh size, which encompasses the earlier mesh size nets, the proposed regulations do not require fishermen to replace their older nets. For herring fishermen who chose to purchase the new smaller mesh size nets, the cost for a new net is estimated to be around \$1,208 (excluding shipping and handling charges).

Section 163.1

None. No adverse economic impacts are anticipated from the proposed regulations. The proposed regulation, at most, would facilitate the sale and transfer of herring permits by fishermen desiring to leave the fishery through reduced transactions costs. There are currently 417 herring permit holders. Anecdotal information from the fishermen, and some statistical corroboration at the Department of Fish and Game, indicate that the current transfer fee of \$5,000 may present a barrier to the sale and transfer of herring permits.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Sections 163 and 164

None.

Section 163.1

None. Lowering the transfer fee cost would reduce transactions costs and likely enable some fishermen to retire while capturing a larger portion of the current value of their permit. This would facilitate the perpetual use of permits for ongoing business activities and opportunities, thus preserving or perhaps increasing the number of jobs in the State. This would be in contrast to a permit holder retiring or dying and letting the permit lapse due to a relatively high permit transfer fee of \$5,000.

- (c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, on **September 7, 2005 at 11:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 6, 2005 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 125.9 and 148 of the Business and Professions Code, and to implement, interpret or make specific sections 125.9 and 148 of the Business and Professions Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 5526 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law relating to the practice of architecture.

Protection of the health, safety, and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Amend section 152—Citations

This proposal would 1) change the definition of a Class A violation to pertain to an unlicensed individual who has violated Business and Professions Code section 5536, 2) change the fine ranges for Class A, B, and C violations; and 3) add a provision that authorizes the Board to assess an administrative fine up to \$5,000 if the issuance of a citation meets one or more conditions outlined in the new language. The proposal is also consistent with amendments to Business and Professions Code section 125.9, effective January 1, 2004, that increased the maximum administrative fine that boards can assess and the recommendation by the Department of Consumer Affairs to establish conditions for assessing administrative fines ranging from \$2,501 to \$5,000.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would have no affect on small businesses. This regulation and the proposed amendments will only affect persons who violate the Board's Act and related rules and regulations.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would

either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 400 R Street, Suite 4000, Sacramento, California 95814, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Victoria Wilk
Address: 400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 324-9915
Fax No.: (916) 445-8524
E-Mail Address: vicki_wilk@dca.ca.gov

The backup contact person is:

Name: Hattie Johnson
Address: 400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 323-4103
Fax No.: (916) 445-8524
E-Mail Address: hattie_johnson@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California 95814, on **September 7, 2005 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **September 6, 2005** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 5630 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9, 129(e), 148, 5620.1, 5660, and 5665-5676 of the Business and Professions Code and Section 6253 of the Government Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5630 of the Business and Professions Code authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law related to the practice of landscape architecture.

Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. To ensure such protection, the

Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Amend 16 CCR Section 2608—Complaint Information System:

The existing regulation, which became effective on August 2, 1980, sets forth the Board's (previously, the Board of Landscape Architects) complaint disclosure policy for landscape architects. The regulation establishes information to be provided to the public regarding complaints, disciplinary action, and license status and reasonable limits with respect to the quantity of information that can be provided to the public over a given amount of time.

This proposal retains the Board's existing complaint disclosure policy for landscape architects, while including language that is consistent with the Department of Consumer Affairs' model complaint disclosure policy (finalized on September 22, 2004) and the Board's current proposal to adopt its complaint disclosure policy for architects under regulation (CCR, Title 16, Division 2, Section 137). More specifically, this proposal establishes the following: conditions of disclosure with respect to providing complaint information to the public; more defined information to be disclosed regarding complaints and disciplinary actions; a timeframe for incorporating complaint information into the Board's system; additional ways in which members of the public can request information; a timeframe for responding to requests for information; and conditions for not disclosing certain information to the public.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The proposed regulation sets forth the Board's amended consumer complaint disclosure policy.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 400 R Street, Suite 4000, Sacramento, California, 95814, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Landscape Architects Technical
Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 445-6573
Fax No.: (916) 324-2333
E-mail Address: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Address: Landscape Architects Technical
Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 323-6408
Fax No.: (916) 324-2333
E-mail Address: Mona_Maggio@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at <http://www.latc.ca.gov>.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California 95814, on **September 7, 2005 at 2:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **September 6, 2005** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person

designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 125.9, 148, and 5630 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9, 148, and 149 of the Business and Professions Code, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5630 of the Business and Professions Code (BPC) authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law related to the practice of landscape architecture.

Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Amend 16 CCR Section 2630—Issuance of Citations:

The existing regulation, which became effective on January 1, 1987, sets forth the Board's authority to issue citations to landscape architects and unlicensed persons. The regulation also establishes, in detail, the requirements and content of citations issued by the Board.

This proposal would make minor and clarifying changes to the regulatory language.

Amend 16 CCR Section 2630.1—Assessment of Administrative Fines:

The existing regulation, which became effective on August 13, 2000, sets forth the Board's policy for assessing the violation type and the amount of an administrative fine associated with the issuance of a citation. More specifically, the regulation establishes: 1) the minimum and maximum administrative fine amounts; 2) criteria for the executive officer to consider when assessing the amount of an administrative fine; and 3) definitions for class "A," "B," and "C" violations.

This proposal would: 1) make minor and clarifying changes to the criteria for assessing the amount of an administrative fine; 2) change the definition of a class "A" violation to pertain to an unlicensed individual who has violated BPC Section 5640; 3) change the

fine ranges for class "A," "B," and "C" violations; and 4) add a provision that authorizes the Board to assess an administrative fine up to \$5,000 if the issuance of a citation meets one or more conditions outlined in the new language. The proposed changes would also bring the regulations into alignment with the Board's proposal to amend its citation regulation for architects and unlicensed persons (CCR, Title 16, Division 2, Section 152). Both proposals are also consistent with amendments to BPC Section 125.9, effective January 1, 2004, that increased the maximum administrative fine that boards can assess and the recommendation by the Department of Consumer Affairs to establish conditions for assessing administrative fines up to \$5,000.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations set forth the Board's authority for issuing citations to individual licensees or unlicensed individuals and for assessing types of violations and administrative fine amounts associated with the issuance of citations.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 400 R Street, Suite 4000, Sacramento, California, 95814, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo

Address: Landscape Architects Technical Committee
400 R Street, Suite 4000
Sacramento, CA 95814

Telephone No.: (916) 445-6573

Fax No.: (916) 324-2333

E-mail Address: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Address: Landscape Architects Technical
Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone No.: (916) 323-6408
Fax No.: (916) 324-2333
E-mail Address: Mona_Maggio@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at
<http://www.latc.ca.gov>.

TITLE 16. CALIFORNIA ARCHITECTS BOARD

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 400 R Street, Suite 4000, Sacramento, California, on **September 7, 2005 at 10:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 6, 2005 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 125.9, 129(e), 148, 5510.1, 5526, and 5560 of the Business and Professions Code and section 6253 of the Government Code, and to implement, interpret or make specific sections 129(e) and 5526 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 5526 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law relating to the practice of architecture.

Protection of the health, safety, and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Currently, the Board has no specific language relative to complaint disclosure in regulation.

Adopt Section 137—Public Information Disclosure

This proposal would add to the Board's regulations a section which expresses the overall goal of the Board to permit information access to consumers and members of the public consistent with statutory and constitutional law. This proposal establishes the following: timeframe for incorporating complaint and disciplinary information into the Board's system; a timeframe for responding to requests for information; conditions of disclosure; information to be disclosed regarding complaints and disciplinary actions; and information that shall not be disclosed to the public.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts

that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation sets forth, by regulation, the Board's consumer complaint disclosure policy.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 400 R Street, Suite 4000, Sacramento, California 95814, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Victoria Wilk
Address: 400 R Street, Suite 4000
Sacramento, CA 95814

Telephone No.: (916) 324-9915

Fax No.: (916) 445-8524

E-Mail Address: vicki_wilk@dca.ca.gov

The backup contact person is:

Name: Hattie Johnson

Address: 400 R Street, Suite 4000
Sacramento, CA 95814

Telephone No.: (916) 323-4103

Fax No.: (916) 445-8524

E-Mail Address: hattie_johnson@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

California Coronary Artery Bypass Graft Outcomes Reporting Program

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHDP) proposes to amend Sections 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, and 97198 of Title 22 of the California Code of Regulations (CCR). This amendment will add, change, and delete certain reporting data elements in the California Coronary Artery Bypass Graft Outcomes Reporting Program (CCORP) and make minor program changes.

PUBLIC HEARING

A public hearing has been scheduled on September 6, 2005 starting at 10:00 a.m. at the Bateson Building located at 1600 9th Street, Room 441, Sacramento, California 95814. The Bateson Building is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. OSHPD requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD/ CONTACT PERSON

Any interested person may submit written comments relevant to the proposed regulatory action. All such comments must be received by OSHPD 5:00 p.m. on September 6, 2005.

All inquiries and comments concerning the proposed regulations should be addressed to the primary

contact person named below. Comments may be delivered by fax, e-mail, hand delivery, or mail to:

Hilva Chan, Manager
Clinical Data Programs
Healthcare Outcomes Center
Office of Statewide Health Planning
and Development
818 K Street, Suite 200
Sacramento, CA 95814
Tel: (916) 322-9137
Fax: (916) 322-9718
E-mail: hchan@oshpd.state.ca.us

Inquiries and comments may also be addressed to backup contact person:

Joseph Parker, Ph.D., Director
Healthcare Outcomes Center
Office of Statewide Health Planning
and Development
818 K Street, Suite 200
Sacramento, CA 95814
Tel: (916) 322-9298
Fax: (916) 322-9718
E-mail: jparker@oshpd.state.ca.us

All comments should include the author's name and U.S. Postal Service mailing or e-mail address in order for OSHPD to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 128810 of the California Health and Safety Code, OSHPD proposes to amend Sections 97170, 97172, 97174, 97178, 97180, 97184, 97188, 97190, and 97198 of Chapter 10 of Division 7 of the California Code of Regulations, which would implement, interpret, or make specific Sections 128745 and 128748 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law established CCORP under Health and Safety Code Sections 128745 and 12748. It requires OSHPD to publicly report risk-adjusted CABG outcomes for all hospitals and surgeons. It also requires OSHPD to appoint a nine-member Clinical Advisory Panel (CAP) to review and approve the development of the risk adjustment model used for CABG surgery, and make recommendations on the addition, revision and deletion of clinical data elements collected for the CABG surgery outcome reports.

The proposed amendments below were recommended by the CAP on its July 26, 2004 and April 27, 2005 meetings. These proposed actions will add, delete, and change certain required data elements and make minor program changes to CCORP. The purpose of the proposed regulation action is three-fold:

- a. To maintain data consistency among reporting hospitals by revising CCORP data elements to reflect the changes in the Society of Thoracic Surgeons (STS) Adult Cardiac Surgery Database
- b. To improve the CCORP risk model by adding, changing and deleting the CCORP data elements based upon recommendations by the CAP. All the newly added data elements are STS data elements.
- c. To improve the CCORP hospital data reporting process by making minor program changes

By doing so, the proposed amendments would improve the public reporting of CABG surgery outcomes in California. CCORP reports would better reflect the quality of care provided by California hospitals on CABG surgery.

OSHPD has considered the following two factors before adding data elements from the STS data base:

1. We found it not feasible to utilize sampling because we cannot use data collected from a sample of hospitals to determine outcomes for all hospitals in our public reports.
2. To the extent possible, we exchanged data with STS. Of the four deleted CCORP data elements, two were replaced by new STS data elements in version 2.52.

OSHPD has determined that there are no comparable federal regulations, and the proposed changes are not mandated by federal law or regulations.

OSHPD has determined that the regulations have been drafted in plain English.

The proposed change to CCR Section 97170 clarifies the term 'discharge' as used in the CCORP regulations.

The proposed change to CCR Section 97172 provides a technical correction to the regulations.

The proposed changes to CCR Section 97174 improve CCORP data quality by ensuring that all hospitals report the same data elements to CCORP. The proposed revisions should also improve the CCORP risk model performance.

The proposed change to CCR Section 97178 provides more flexibility for hospitals to file an extension.

The proposed change to CCR Section 97180 improves data quality by requiring hospitals that do not use the CCORP data collection tool to file a test file, if certain conditions are met.

The proposed change to CCR Section 97184 clarifies the paperwork requirements for submitting CCORP data. This should help prevent unnecessary data rejection due solely to paperwork problem.

The proposed change to CCR Section 97188 clarifies the paperwork requirements for submitting CCORP data. This should help prevent unnecessary data rejection due solely to paperwork problem.

The proposed CCR Section 97190 provides minor revisions to the CCORP Hospital Certification Form.

The proposed change to CCR Section 97198 clarifies that a hospital is not considered delinquent if an extension request was granted by the Office.

DISCLOSURES REGARDING THE PROPOSED ACTION

OSHPD has made the following initial determinations:

1. Local mandate: None.
2. Estimated cost or savings to any state agency: An estimated cost of \$25,000 for revising the existing CCORP data collection tool.
3. Cost to any local agency or school district that is required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None.
4. Non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant impact on housing costs: None.
7. Potential cost impact on private persons or affected businesses: The estimated annual cost to comply with the proposed regulatory action for a non-STHS hospital is \$1,151. There is no cost for a STHS hospital.
8. Potential adverse economic impact on business: OSHPD has determined that the regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
9. OSHPD has determined that the regulations would not significantly affect the following:
 - 1) The creation or elimination of jobs within the State of California.
 - 2) The creation of new businesses or elimination of existing businesses within the State of California.
 - 3) The expansion of businesses currently doing business within the State of California.

10. Business reporting requirement: OSHPD finds that it is necessary for the health, safety, or welfare of the people of this state that proposed sections 97170 through 97198, which require reporting, apply to businesses.

11. Small business determination: The proposed regulatory action does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

ALTERNATIVES CONSIDERED

OSHPD has determined in accordance with Government Code Section 11346.5(a)(13) that no reasonable alternative considered by OSHPD or that has otherwise been identified and brought to the attention of OSHPD would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

OSHPD has prepared an initial Statement of Reasons for the proposed regulations. This statement, the express terms of the proposed regulations, and the information upon which the proposal is based, are available by contacting the contact person above. In addition, the Initial Statement of Reasons and the proposed text amendments can be accessed through OSHPD's web site at <http://www.oshpd.ca.gov/HQAD/About/laws.htm#CCORP>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Office may adopt the proposed regulations substantially as described in this Notice. If the Office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Office adopts the regulations as revised. Please send requests for copies of any modified regulations to the contact person as listed in this Notice. The Office will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the contact person as listed in the Notice.

**TITLE 25. DEPARTMENT OF
HOUSING AND
COMMUNITY DEVELOPMENT**

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (HCD) proposes to amend current regulations relating to occupational licensing applicants' fingerprint submissions for criminal background checks. The primary objective of this proposal is to conform HCD's current occupational licensing regulations with recent California Department of Justice (DOJ) requirements to require Live Scan fingerprinting (or fingerprint card submission if Live Scan service is "regionally unavailable" or as otherwise deemed necessary by DOJ) for occupational licensing applicants pursuant to Penal Code Section 11077.1. The secondary objective of the proposal is to require the use of only DOJ-certified fingerprint "rollers" or law enforcement personnel for the fingerprinting process pursuant to Penal Code Section 11102.1.

HCD HAS NOT SCHEDULED A PUBLIC HEARING ON THIS PROPOSED ACTION. However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period which is on September 6, 2005.

HCD WILL ACCEPT WRITTEN COMMENTS regarding the proposed regulatory action from July 22, 2005 until 5:00 p.m. on September 6, 2005. Written comments may be submitted by regular or electronic mail, by facsimile transmission or may be hand-delivered to either contact person (Mr. Salanoa or Ms. Shaffer), as indicated below.

CONTACT PERSONS

Mike Salanoa, Occupational Licensing
Program Manager
Department of Housing and
Community Development
P.O. Box 1407, Sacramento, CA 95812-1407
Phone: (916) 445-9471; TDD: (800) 735-2929
FAX: (916) 327-4712
E-mail: msalanoa@hcd.ca.gov

Wendy Shaffer, Associate Governmental
Program Analyst
Department of Housing and
Community Development
P.O. Box 1407, Sacramento, CA 95812-1407

Phone: (916) 327-2830; TDD: (800) 735-2929
FAX: (916) 327-4712
E-mail: wshaffer@hcd.ca.gov

Please address any technical questions about this regulatory proposal to Mr. Salanoa. Requests for rulemaking documents, or questions regarding the administrative rulemaking process, may be addressed to Ms. Shaffer.

AUTHORITY AND REFERENCE

Authority: Health and Safety Code Sections 18015, 18031, 18050(c), 18052.6, 18056, and 18075. Reference: Health and Safety Code Sections 18001.8, and 18035–18066.5 (inclusive); Civil Code Sections 1797–1797.7 (inclusive); Penal Code Sections 11077.1 and 11102.1; Financial Code Sections 17003 and 17004; and 8 U.S.C. 1621, 1641, and 1642.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

LIVE SCAN FINGERPRINT REQUIREMENT

Currently, HCD's regulations allow submittal of only hard fingerprint cards to fulfill application requirements for criminal background checks. This action proposes to amend HCD's regulations to conform to the mandates of Penal Code Section 11077.1. Penal Code Section 11077.1 was added by Chapter 470, Statutes of 2003 to require the submittal of "electronically-submitted" fingerprints (Live Scan process) for occupational licensing criminal background checks, with exceptions for regional unavailability of Live Scan service or as deemed necessary by the Department of Justice (DOJ).

Additionally, HCD is amending regulations to notify applicants that DOJ will only accept fingerprints processed by law enforcement personnel and DOJ-certified fingerprint operators, pursuant to Penal Code Section 11102.1.

HCD's occupational licensing applicants include manufacturers, dealers, distributors, and salespersons in the manufactured housing and commercial modular industries. Applicants also include continuing education course providers and instructors who are approved to provide manufactured housing industry applicants and licensees with approved training. Applicants for licensure are required to be fingerprinted for purposes of conducting a criminal history record check. The fingerprints are submitted to the DOJ, and in some instances, to the Federal Bureau of Investigation (FBI).

Further, the proposed action provides that applicants may use either the DOJ's form "BCII 8016" entitled "Request for Live Scan Service" or HCD's new form "HCD OL 8016". HCD's form will have the same title, request the same information, and have substantially the same format as the DOJ form. The HCD form will incorporate a note that cautions applicants that illegible, incomplete, or inaccurate information may result in processing delays or the denial of their applications. The HCD form will include pre-printed DOJ and HCD information to assist the applicant in properly completing the form.

HCD is also proposing several technical amendments within this rulemaking. For example, references to the term "commercial coach" are being changed to "commercial modular" to be consistent with a 2003 statutory change to Health and Safety Code (H&SC) Section 18001.8. In addition, the department will define "DOJ" as the California Department of Justice for the purposes of clarity in the new regulations.

Lastly, HCD proposes to remove form HCD OL 90 from regulatory text and to incorporate the form by reference. The updated revision dates for this form and others are also added to the regulatory text in order to satisfy requirements to incorporate by reference forms that are required by regulation.

FORMS INCORPORATED BY REFERENCE

- HCD OL 12 Revised 11/05
Occupational License Application for Manufactured Home/Mobilehome/Commercial Modular Manufacturers, Distributors, and Dealers (Part A)
- HCD OL 15 Revised 11/05
Notice of Change of Corporate Officer(s) and/or Director(s)
- HCD OL 16 Revised 11/05
Occupational Licensing Application for Manufactured Home/Mobilehome/Commercial Modular Salesperson (Part A)
- HCD OL 21 Revised 11/05
Occupational License Application for Manufactured Home/Mobilehome/Commercial Modular Manufacturers, Distributors, and Dealers (Part C)
- HCD OL 28 Revised 11/05
Certificate of Appointment
- HCD OL 29 Revised 11/05
Occupational License Application for Manufactured Home/Mobilehome/Commercial Modular Manufacturers, Distributors, Dealers and Salespersons (Part B)

- HCD OL 50 Revised 11/05
Occupational License Application for Manufactured Home/Mobilehome/Commercial Modular Dealers (Part D)
- HCD OL 90 Revised 11/05
Application for Manufactured Home/ Mobilehome/ Commercial Modular 90-Day Certificate
- HCD OL ED 122 Revised 11/05
Application for Course Provider and Preliminary or Continuing Education Course Approval (Part A)
- HCD OL ED 124 Revised 11/05
Application for Preliminary or Continuing Education Instructor Approval
- HCD OL 8016 New 11/05
Request for Live Scan Service Applicant Submission

SECTIONS AFFECTED

The proposed amendments are located in Sections 5002, 5020, 5021, 5025, 5340 and 5348 of Title 25 of the California Code of Regulations (CCR), Division 1, Chapter 4.

DISCLOSURES REGARDING THE PROPOSED ACTION

- HCD has made the following initial determinations:
- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: The proposed Live Scan and hard-copy fingerprinting requirements do not impose any cost upon any other state agency. The Live Scan requirements are expected to save HCD a minor and undetermined amount of money due to a decreased necessity for follow-up actions on fingerprint card status. In addition, the DOJ will save a minor and undetermined amount of money due to a decreased necessity for its response to status requests regarding fingerprint cards.
- Cost to any local agency or school district which must be reimbursed in accordance with Governmental Code Sections 17500 through 17630: None
- Other nondiscretionary cost or savings imposed on local agencies: None; however, an unknown amount of savings may occur because local law enforcement personnel will be able to utilize a more efficient and effective method for processing fingerprint information.
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed changes will not affect the creation or elimination of jobs within California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

SMALL BUSINESSES may be affected by these regulations.

CONSIDERATION OF ALTERNATIVES

Throughout this rulemaking, HCD must determine that no reasonable alternative considered will be more effective in carrying out the purpose for which this regulatory action is proposed. HCD has initially determined that no alternative will be as effective, and less burdensome, for affected private persons than the proposed action because the mandated use of the Live Scan and hard-copy fingerprinting processes are imposed by statute. These regulations are proposed to implement the requirements of that statute.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Copies of an Initial Statement of Reasons and the proposed regulatory text are available upon request from Ms. Wendy Shaffer at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, HCD may adopt the proposed regulations substantially as proposed or with modifications which are sufficiently related to the originally-proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least fifteen (15) days prior to the date on which HCD adopts the regulations. Requests for copies of any modified regulations should be addressed to the agency contact persons identified above. HCD will accept written comments about the modified regulations during the 15-day period of availability.

IF REQUESTED from the contact person, this **PUBLIC NOTICE** is available in one of the following alternate formats: 1) LARGE PRINT or 2) electronic data file in Microsoft Word for Windows.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code Section 11346.9. This document will also be available from Ms. Shaffer at the above address.

AVAILABILITY OF DOCUMENTS

All information HCD is considering as the basis for this proposal is maintained in a rulemaking file which is available for inspection at 1800 Third Street, Suite 260, Sacramento, California, Monday through Friday from 8:00 a.m. to 5:00 p.m.

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can also be accessed at the HCD website at the following address: <http://www.hcd.ca.gov>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Bradshaw 6A/6B Interceptor Program Sacramento County

The Department of Fish and Game ("Department") received a notice on July 5, 2005 that the Sacramento Regional County Sanitation District ("SRCSD") proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the installation of about 24,339 linear feet of wastewater conveyance infrastructure and related facilities in Sacramento County between Bradshaw Road and Elk Grove-Florin Road. The activities will require several crossings of Elder and Gerber Creeks and trenching of sufficient width to accommodate the pipes, which will result in temporary impacts to 9.53 acres of giant garter snake habitat.

The U.S. Fish and Wildlife Service, on December 23, 2003, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (1-1-02-F-0039) which considers the Federally and State threatened giant garter snake (*Thamnophis gigas*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, SRCSD is requesting a determination that federal biological opinion 1-1-02-F-0039 is consistent with CESA. If the Department determines that the

federal biological opinion is consistent with CESA, SRCSD will not be required to obtain an incidental take permit for the proposed project.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Eureka Waterfront and Woodley Island Marina Maintenance Dredging Project Humboldt County

The Department of Fish and Game ("Department") received notice on July 5, 2005 that the City of Eureka and Humboldt Bay Harbor, Recreation, and Conservation District ("Notifiers") propose to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of suction dredge excavation of 216,000 cubic yards of material from the Eureka city waterfront and Woodley Island Marina and transmission and discharge of that material through a pipeline to the beach west of the city of Samoa in Humboldt County.

The U.S. Fish and Wildlife Service, on June 10, 2005, issued a no jeopardy federal biological opinion (1-14-2005-2456) which considers the Federally and State endangered beach layia (*Layia carnosa*) and Humboldt Bay wallflower (*Erysimum menziesii* ssp. *eurekense*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Notifiers are requesting a determination that the federal biological opinion 1-14-2005-2456 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the Notifiers will not be required to obtain an incidental take permit under CESA for the proposed project.

MEDICAL BOARD OF CALIFORNIA

DIVISION OF LICENSING

NOTICE OF CONTINUATION OF HEARING

The Medical Board of California will continue the hearing on the Midwifery Standards of Care. This proposed regulation will add new Article 3.5 after Section 1379.15 and Adopt new Section 1379.20 in Article 3.5 of Chapter 4, Division 13, Title 16, CCR, to implement the portion of Business and Professions Code Section 2507(f) that mandates the Medical Board to adopt regulations to define the appropriate standards of care for licensed midwives and the level of supervision required for the practice of midwifery. **Only** the standards of care portion is being addressed in this proposed regulation.

Hearing Location: Radisson Hotel
500 Leisure Lane
Sacramento, CA 95815

Hearing Date: July 29, 2005

Hearing Time: 9:00 am

Inquiries or comments concerning the substance of the proposed regulation may be addressed to:

Name: Herman Hill

Address: Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento, CA 95825

Telephone No.: (916) 263-2393

Fax No.: (916) 263-2567

E-address: HHill@medbd.ca.gov

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

AUGUST 11, 2005 MEETING OF THE SCIENCE ADVISORY BOARD'S DEVELOPMENTAL AND REPRODUCTIVE TOXICANT (DART) IDENTIFICATION COMMITTEE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of this committee will be held on **Thursday, August 11, 2005** at the California Environmental Protection Agency Headquarters Building, **Sierra Hearing Room**, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m. Please note the room change from that which was previously announced. The meeting will still be at the California Environmental Protection Agency Headquarters Building only the room has changed to the Sierra Hearing Room.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Acting Chair.

- I. WELCOME AND OPENING REMARKS
- II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

A. Perchlorate

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

B. Progesterone

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

C. Chloroform

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

III. UPDATES

- Status of the prioritization process consideration for candidate chemicals
- Status of chemical listings via the administrative listing mechanisms

IV. SUMMARY OF COMMITTEE ACTIONS

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

NOTICE TO INTERESTED PARTIES

AUGUST 12, 2005 MEETING OF THE SCIENCE ADVISORY BOARD'S CARCINOGEN IDENTIFICATION COMMITTEE

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Friday, August 12, 2005** at the California Environmental Protection Agency Headquarters Building, Sierra Hearing Room, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS
- II. CONSIDERATION OF A CHEMICAL AS KNOWN TO THE STATE TO CAUSE CANCER

A. 1,2,4-Trichlorobenzene

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and decision

III. UPDATES

- Status of OEHHA activities on acrylamide, a chemical listed as causing cancer under Proposition 65

- Status of the prioritization process consideration for candidate chemicals
- Status of chemical listings via the administrative listing mechanisms

IV. SUMMARY OF COMMITTEE ACTIONS

PRECEDENTIAL DECISION INDEX

EDUCATION AUDIT APPEALS PANEL

NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISION INDEX (GOVERNMENT CODE SECTION 11425.60)

Notice is hereby given that the Education Audit Appeals Panel (EAAP) maintains an index of the determinations made in the only decision EAAP has so far designated as precedential. The index is available on the Internet at <http://www.eaap.ca.gov>, following the text of the "Appeals" section.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EQUALIZATION

Expiration of Heat-Applied Decal Tax Stamps

In this regulatory action, the State Board of Equalization readopts (with amendments) an emergency regulation under the Cigarette and Tobacco Products Tax Law pertaining to the cigarette excise tax and the expiration of heat-applied decal tax stamps.

Title 18
California Code of Regulations
ADOPT: 4056.1
Filed 07/08/05
Effective 07/08/05
Agency Contact:
Joann Richmond

(916) 322-1931

BOARD OF PSYCHOLOGY

Citation and Fine

In this regulatory action, the Board of Psychology amends a regulation pertaining to the amount of fines that may be levied by the agency to allow for fines between \$2,501 and \$5,000 under specified circumstances.

Title 16
California Code of Regulations
AMEND: 1397.51
Filed 07/12/05
Effective 08/11/05
Agency Contact: Kathy Bradbury (916) 263-0712

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

Small Business Loan Guarantees

In this regulatory action, the Business, Transportation and Housing Agency revises regulations pertaining to the "California Small Business Financial Development Corporation Law" and the loans and loan guarantees under that law.

Title 10
California Code of Regulations
AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5268
Filed 07/07/05
Effective 07/07/05
Agency Contact: Glenn Stober (916) 324-9538

DEPARTMENT OF CORRECTIONS

Tobacco Ban

Prohibits inmate possession of tobacco products.
Prohibits use of tobacco products in DOC institutions.

Title 15
California Code of Regulations
ADOPT: 3187 AMEND: 3006, 3188, 3189, 3331
Filed 07/07/05
Effective 07/07/05
Agency Contact: John McClure (916) 358-1655

DEPARTMENT OF DEVELOPMENTAL SERVICES

Group Practices—Associate Behavior Analysts

In this regulatory action, the Department of Developmental Services amends a regulation pertaining to the vendorization process and group practices to include the service "Associate Behavior Analyst."

Title 17
California Code of Regulations
AMEND: 54319

Filed 07/11/05
Effective 08/10/05
Agency Contact: Diana Nicolau (916) 654-1760

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This filing is a certificate of compliance for an emergency regulatory action which removed approximately 116 square miles of area surrounding the Santa Ana area of Orange County from the area under quarantine for Oriental fruit fly.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 07/11/05
Effective 07/11/05
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES
Nurse to Patient Ratios in General Acute Care Hospitals

This emergency regulatory action is the second adoption of the delay in the implementation of specified nurse to patient ratios scheduled to be effective on January 1, 2005.

Title 22
California Code of Regulations
AMEND: 70217
Filed 07/11/05
Effective 07/14/05
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES
Standard Admission Agreement

Section 1599.61 of the Health and Safety Code requires that all skilled nursing facilities, intermediate care facilities, and nursing facilities use a standard admission agreement and comprehensive Patient's Bill of Rights adopted by the Department of Health Services. This regulatory action adopts both of these documents.

Title 22
California Code of Regulations
ADOPT: 72516, 73518
Filed 07/06/05
Effective 01/02/06
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Enterprise Zone Designation Process—General

The California Department of Housing and Community Development is renumbering sections 5600, 5600.1, 5601, 5601.1, 5601.2, 5602, 5602.1, 5602.2, 5602.3, 5604, 5605, 5605.1, 5605.2, 5605.3, 5605.4,

5606, 5606.1, 5606.2, 5606.3, 5606.4, 5606.5, 5607, 5608, 5609, 5610, 5611, 5611.1, 5612, 5612.1, 5612.2, 5612.3, 5612.4, 5612.5, 5612.6, 5612.7, 5612.8, 5612.9, 5613, 5613.1, 5613.2, 5613.3, 5614, 5615, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5622.1, 5622.2, 5622.3, 5622.4, 5622.5, 5622.6, 5622.7, 5622.8, 5622.9, 5622.10, 5622.11, 5622.12, 5622.13, 5622.14, 5622.15, 5624, 5625, 5626, 5627, 5628, 5629, 5630, and 5631, title 10, California Code of Regulations [Trade and Commerce] to sections 8439, 8439.1, 8439.2, 8439.3, 8439.4, 8440, 8440.1, 8440.2, 8440.3, 8441, 8441.1, 8441.2, 8441.3, 8441.4, 8441.5, 8442, 8442.1, 8442.2, 8442.3, 8442.4, 8442.5, 8442.6, 8442.7, 8442.8, 8442.9, 8442.10, 8442.11, 8443, 8443.1, 8443.2, 8443.3, 8443.4, 8443.5, 8443.6, 8443.7, 8443.8, 8443.9, 8444, 8444.1, 8444.2, 8444.3, 8445, 8445.1, 8445.2, 8445.3, 8446, 8446.1, 8446.2, 8447, 8448, 8448.1, 8448.2, 8448.3, 8448.4, 8448.5, 8448.6, 8448.7, 8448.8, 8448.9, 8448.10, 8448.11, 8448.12, 8448.13, 8448.14, 8448.15, 8449, 8449.1, 8449.2, 8449.3, 8449.4, 8449.5, 8559.6, and 8449.7, title 25, California Code of Regulations [Department of Housing and Community Development]. The aforementioned renumbering is transferring the "Enterprise Zone Program" from the Trade and Commerce Agency to the Department of Housing and Community Development. This was accomplished by Stats. 2003, Ch. 593; Stats. 2004, Ch. 145; Stats. 2003, Ch. 229.

Title 25
California Code of Regulations
ADOPT: 8439, 8439.1, 8439.2, 8439.3, 8439.4, 8440, 8440.1, 8440.2, 8440.3, 8441, 8441.1, 8441.2, 8441.3, 8441.4, 8441.5, 8442, 8442.1, 8442.2, 8442.3, 8442.4, 8442.5, 8442.6, 8442.7, 8442.8, 8442.9, 8442.10, 8442.11, 8443, 8443.1, 8443.2, 8443.3, 8443.4,
Filed 07/07/05
Effective 07/07/05
Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Mobile Home Park Resident Ownership Program

This action amends existing provisions governing the Mobilehome Park Resident Ownership Program (MRPOP) by altering the definition of "rural" in order to increase the number of locations eligible for 20% of MRPOP funds set aside for rural areas.

Title 25
California Code of Regulations
AMEND: 8002, 8004, 8012, 8014
Filed 07/11/05
Effective 08/10/05
Agency Contact: Lenora Frazier (916) 323-4475

**FAIR EMPLOYMENT AND HOUSING
COMMISSION**

Updating Conflict of Interest Code

This is a Conflict of Interest Code filing that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
AMEND: 7286.0
Filed 07/06/05
Effective 08/05/05
Agency Contact:
Jo Anne Frankfurt (415) 557-1502

FISH AND GAME COMMISSION

Transferability of Commercial Spiny Lobster Permits

This action establishes the transferable lobster operator permit program.

Title 14
California Code of Regulations
AMEND: 122 REPEAL: Appendix A, Form DFG 122
Filed 07/13/05
Effective 07/13/05
Agency Contact: Sherrie Koell (916) 653-4899

STATE TEACHERS RETIREMENT SYSTEM

Conflict of Interest Code

The California State Teachers' Retirement System is amending its conflict of interest code found at title 5, section 22000, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on May 16, 2005.

Title 5
California Code of Regulations
AMEND: 22000
Filed 07/12/05
Effective 08/11/05
Agency Contact:
James Musante, Jr. (916) 229-3927

**STATE WATER RESOURCES CONTROL BOARD
Petroleum UST Grant & Loan Program**

This filing is a certificate of compliance for an emergency regulatory action which defined terms and prescribed the allowable purposes and procedure for a grant and loan program intended to aid individuals and small businesses in upgrading, replacing, or removing underground storage tanks to meet applicable standards.

Title 23
California Code of Regulations
ADOPT: 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428

Filed 07/13/05
Effective 08/12/05
Agency Contact: Kelly Valine (916) 327-6976

**STRUCTURAL PEST CONTROL BOARD
Course Requirement By County Agricultural
Commissioners**

This regulatory action establishes the procedures and timelines for country agricultural commissioners and licensees to follow when licensees are ordered to take and pass a Board-approved course of instruction. This action also amends regulations dealing with continuing education requirements.

Title 16
California Code of Regulations
ADOPT: 1922.3, 1993.1 AMEND: 1950.5, 1951, 1953
Filed 07/06/05
Effective 08/05/05
Agency Contact: Barbara Howe (916) 561-8700

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN FEBRUARY 16, 2005
TO JULY 13, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

07/06/05 AMEND: 7286.0
06/24/05 AMEND: 599.502, 599.506
06/21/05 AMEND: 18705.5
06/16/05 AMEND: Div. 8, Ch. 4, section 25001
06/14/05 ADOPT: 18750.2, 18755 AMEND: 18702.4
05/31/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 185
05/27/05 AMEND: 1859.2
05/27/05 AMEND: 20107
05/26/05 ADOPT: 18465.1
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05/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1

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05/02/05 ADOPT: 18640 AMEND: 18941.1,
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04/26/05 AMEND: 1859.2, 1859.42

04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,
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03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74

03/02/05 AMEND: 1859.73.2, 1859.145.1

02/28/05 AMEND: 1859.2

02/28/05 AMEND: 1859.71.3, 1859.78.5

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06/27/05 ADOPT: 3591.18

06/22/05 AMEND: 3430(b)

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05/16/05 AMEND: 6388

05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),

04/15/05 AMEND: 1446.9(c), 1454.16(c)

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03/07/05 ADOPT: 1392.8.1(3) AMEND:
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02/28/05 AMEND: 3430(b)

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06/22/05 ADOPT: 11967.6, 11967.7, 11967.8
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06/08/05 ADOPT: 17101 AMEND: 9531

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05/06/05 ADOPT: 18092.5 AMEND: 18066,
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04/14/05 AMEND: 19836

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06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
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05/24/05 AMEND: 3999

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04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6

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03/07/05 AMEND: 5144

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06/23/05 AMEND: 2498.6

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04/01/05 ADOPT: 2218.60, 2218.61, 2218.62, 2218.63

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06/15/05 AMEND: 1053

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03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2263, 2265, 2266.5

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04/07/05 AMEND: 6935, 6935.2

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06/17/05 AMEND: 1300.70.4

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04/22/05 AMEND: 42-101
02/16/05 ADOPT: 31-503 AMEND: 31-206, 45-
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